FOR MYSORE STATE

H-27—104.006—4-11-

Home (1953) Department.

Revenue

MS SERIES.

19

G.O. NO. 3459

Dated 17-11-1953

[Despatch Abstract.]

Public Prosecutor - Coimbatore Cr. No 551.53
& Kollegal Police station says charge Sheet
Sri K Nanjundiah, Public Prosecutor
Coimbatore for consultation with the
Public Prosecutor Vadras or the Advocate
General submitted

6/21

From
Sri N.S. Mani, I.C.S.,
Collector of Coimbatore.
Post Box No.34.

To
The Secretary to Government,
Home Department,
Fort.St.Geroge, Madras.

Ref.6634/53/M/D3 Dated 28/10/1953.

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Sir.

Sub: PUBLIC SERVICES - Public Prosecutor, Coimbatore - Deputation to Madras in Cr.No.55/53 of Kollegal Station.

Ref: 1. D.O.No.24337/53/Abk/XA2 dated 18/8/1953 from the Board of Revenue (Excise) Madras.
2. C.No.27/D4-53 dated 19/10/1953 from the District Superintendent of Police, Coimbatore.

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2.11.53

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The Inspector, Excise and Prohibition, Intelligence Bureau, Madras, seized 208 seers of opium at Kollegal on 15/6/1953 when the stuff was being smuggled by a car by R.S.Mani and his associates.. Investigation has disclosed that the accused are members of a criminal conspiracy for the illicit possession of opium in the State of Madras and for transporting it from place to place within the State of Madras. A case has been registered in Kollegal Station under Section 9 (a) and (b) of Opium Act. The District Superintendent of Police, Coimbatore, reports that the facts of the case disclose an offence under Section 120/B, I.P.C.

2. This is an important and complicated case in which criminal conspiracy has to be proved. The main accused (i.e.) R. Subramaniam alias R.S.Mani is reported to be a very rich and influential person and it is expected that the accused will engage very able lawyers to defend him and the other accused. In pursuance of the instructions in G.O.Ms.No.169/Home, dated 17/1/1953, Sri K. Nanjundiah, Public Prosecutor, Coimbatore, may be permitted to go to Madras urgently to consult the Public Prosecutor, Madras or the Advocate General,Madras, before laying the charge sheet. I request urgent orders.

3 A copy of letter of the District Superintendent of Police. Coimbatore, containing full details of the case is enclosed.

FOR COLLECTOR.

Encl: 1.

Copy to: The Public Prosecutor, Coimbatore.
Copy to: The District Superintendent of Police, Coimbatore.

CR/29/10/

Copy of letter C.No. 27/D4/53 dated 19/10/1953, from the District Superintendent of Police, Coimbatore, to the Collector of Coimbatore.

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Sub: CR.No.55/53 - Sec. 120 (b) I.P.C. and 9 of Opium Act of Kollegal Station - seizure of Opium valued about Rs. 1,50,000/- Direction to Public Prosecutor, Coimbatore to consult State Prosecutor, Madras - Requested.

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Between 6/10/1952 to 15/6/1953 the accused Nos. 1 to 5 mentioned below, at Madras and other places, were members of a criminal conspiracy having agreed to do an illegal, act, to wit, illicitlly possessing opium in the State of Madras, and transporting the same from place to place, within the State of Madras. A2 the leader of the gang was organising groups of smugglers to smuggle opium from outside this State and send it to Jaffna and other places outside India. On 15/6/1953, at about 4 P.M. the accused Nos. 1 to 5 were moving in a Motor Van MSZ. 8445 driven by A4 on the Sivasamudram--Kollegal Road, when they were stopped and checked by a party headed by the Inspector, Prohibition Intelligence Bureau, Madras and 298 seers of Opium approximately valued Rs.1.50.000/- was found in the secret chambers in the van. The accused were arrested and the opium and the Motor Van seized. A case in Kollegal Station Cr.No.55/53 Sec. 9 (a) and (b) Opium Act was registered and investigated.

2. Investigation disclosed that A2 was doing business by smuggling Opium from Delhi, Gwalior and other places to this State and for that purposes A1, A3 to A5 agreed to help A2, A2 was in possession of several Motor Vehicles including Motor Van MSZ. 8445 though their registration certificates stood in different names, through which Opium used to be smuggled actually. The Van MSz.8445 was sent through A4 on or about 8/5/1953 to Dewas Junior for filling up the secret chambers with Opium. On 9/6/1953 A1 to A3 went to Nagpur by Deccan Airways. A watch was kept on all the selected roads to this State. On 15/6/1953 the smugglers were caught with the contraband.

P.T.O.

3. This is a complicated case involving various points of law and procedure apart from the territorial jurisdiction. The facts of the case also disclose the offence of criminal conspiracy punishable under Section 120-B.I.P.C.

4. The Public Prosecutor, Coimbatore, who was consulted in the matter feels it necessary to discuss this case with the State Prosecutor, Madras. (A reference to G.O.Ms.No.169/dated 17th January 1953 is invited.)

5. It is requested thatorders may be issued directing the Public Prosecutor, Coimbatore to proceed to Madras to consult the State Prosecutor or the Advocate General, Madras as deemed necessary by him in the matter of laying the charge sheet.

Accused.

1. V. Velayudhan, S/O Virudhachalam, 1984, Muthappier Lane, Tanjore.
2. R. Subramaniam @ R. S. Mani, S/O Ratnasamy Pillai, 129, Second Main Road, Adyar, Madras.
3. S.P. Samadhanam, S/O Paramanandham, 52, Venkatesa Gramani Street, Chindadripet, Madras 2.
4. Kanni Ram, S/O Lala, Lakkar, Gwallior.
5. M. Karunanithi, S/O Muthukrishnan, Main Road, Narasingampet, Tanjore.

(SD) XX XX XX
FOR DISTRICT SUPERINTENDENT OF POLICE,
COIMBATORE.

/True copy,

FOR COLLECTOR.

CR/29/10/

CRO 2009 56/53

5

Home (Cts.I) Dept.

G.O.Ms. No. 3459 Dated. 17.11.53.

Public Prosecutor - Coimbatore Dt. - Cr.No.55/53 of Kollegal police station - laying charge sheet of - Deputation of Sri K. Nanjundiah, Public Prosecutor, Coimbatore for consultation with Public Prosecutor, Madras or the Advocate General - Permitted.

Read: From the Collr. of Coimbatore, Ref. 6634/53 M/D3, d/ 28.10.53.

O r d e r.

The Collr. of Coimbatore is permitted to depute Sri K. Nanjundiah, Public Prosecutor, Coimbatore to consult the P.P., Madras or the Advocate General, Madras, ~~as the case may be, for~~ in connection with the laying of charge sheet in Cr.Case No.55/53 of the Kollegal police station.

To
The Collr. of Coimbatore.
The P.P., Madras.
The Advocate Genl., Madras.

Rc.

CN o 2000 9 Sb /53

HOME DEPARTMENT

Sub: Public Prosecutor - Coimbatore Dt. - Deputation to Madras in Cr.No.55/53 of Kollegal Station for consult the Public Prosecutor or the Advocate General, Madras - Sanctioning.

Ref: From the Collr. of Coimbatore Ref.664/53 M.D3, d/ 28.10.53.

For the reasons stated in his letter on p.1 c.f., the Collector of Coimbatore requests that the Public Prosecutor, Coimbatore, may be permitted to go to Madras for consultation with the Public Prosecutor, Madras before laying the charge sheet in Crime No.55/53 of Kollegal Police Station, which is a case of seizure of opium (valued about Rs.150,000/-) under Sec.9(a) and (b) of the Opium Act. The facts of the case also disclose an offence under Sec.120/B, I.P.C.

The D.S.P., Coimbatore, reports that this is a complicated case in which criminal conspiracy has to be proved. It appears that the accused in the case are members of a well organised opium smuggling racket and that their activities extend beyond the territorial limits of the State. As the person are rich and influential, the D.S.P. feels, and the Collr. agrees with him, that the laying of the charge sheet in the matter requires expert consultation either with the Public Prosecutor or the Advocate General.

Having regard to the course of events in the Hauman Bank Case, Govt. have issued general instructions that all charge sheets in complicated cases must be carefully scrutinised and settled in consultation with the Public Prosecutor concerned and in exceptional cases they must be got approved by the Public Prosecutor, Madras, or the Advocate General, Madras. The said instructions also contain a further direction that cases under 120 B. I.P.C. should be handled by well equipped legal personnel

who can simplify the issues and present the prosecution case in a proper way - vide G.O.Ms.No.169 Home, dated 17.1.53.

The facts in the present case reveal the existence of a well-organised opium smuggling racket involving an offence under sec.120 B. of the I.P.C. It is for orders whether in the circumstances reported by the Collr. his recommendation at A on p. 1. c/o will be accepted.

The Public Prosecutor will be entitled to travelling allowance for his journeys to and from Madras under the M.T.A. Rules at the rates admissible to Public Prosecutors in the mofussil. Apart from the travelling allowance, he will also be entitled to fees for the period of his stay in Madras. As the Collr. has not raised this question, it does not seem necessary to go into it now. It may be considered if and when the Collector raises it. A draft order is submitted for approval.

Pub. and Fin. may see for acceptance.

12.11.53

12.11.53

Public Dept
Finance

Home MS 200956 ctb I/53-1
12.11.53.

UNDER SECRETARY
1 NOV 1953
PUBLIC DEPARTMENT

Public (Foreigners) Dept.

The notes on pp 1-2 above and the drafts may be perused. The drafts may be accepted and the file passed on to Finance Dept.

13.11.53

13.11

ASSISTANT SECRETARY TO GOVT.
208139
16
16 NOV
HOME DEPARTMENT

Public (Foreigners) U.O. No
142 Pub (F) I/53-1
13/XI/53

Fin (C&R)

The draft order may be accepted for a precedent. Please see 907/39 Home 4.3.53

14.11.53

15/11/53

ADDITIONAL DEPUTY SECRETARY TO GOVT.
14 NOV 1953

Home (CS. P) Dept.

The notes of Public and Finance Depts at p 2 ante may be perused. The draft order below may now issue.

16.11.53. 17.11.53 17.11.53 17.11.53

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Secy.

--- Issued as G.O. No. 3459 d. 17.11.53